



**CANADIAN FEDERATION
OF INDEPENDENT BUSINESS**

In business for your business™



COVID-19 Webinar

FAQs and Government Support Update #43



All information contained within this
presentation and webinar is current as of
March 4th, 2021

Your presenters



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With Special guests from:



Michael G. Sherrard

Employment & Labour Lawyer



Marc Benoit

Employment & Labour Lawyer

Our commitment



Information is changing rapidly and our website will be updated regularly cfib.ca/covid19

We will answer as many questions as we can today and use your comments and questions to update our FAQs and in our advocacy work

If we don't answer your question you can call us at 1-888-234-2232 or ask on our website at cfib.ca/covid19

A few quotes

“A knock down does not have to be a knockout.” –
Kyle Vidrine

“We can complain because rose bushes have thorns or
rejoice because thorns have roses.” — Alphonse Karr

“Impossible is just an opinion, don’t buy it.” — Robin
Sharma

Key Topics covered today

1. What's new?
2. Employment questions around vaccine requirements and testing with special guests Michael Sherrard (Sherrard Kuzz) and Marc Benoit (Loranger Marcoux)
3. Q&A session

What's new?

This week Government announced how CERS and CEWS will work from March 14th to June 5th

- *The maximum wage subsidy rate will remain at 75%;*
- *The maximum rent subsidy rate will remain at 65%;*
- *Lockdown Support (CERS) will remain at 25% and continue to be provided on top of the rent subsidy, so hard hit businesses could get up to 90% rent support.*
- *Applicants will be able to use a 2019 reference month to demonstrate revenue declines starting March 14th i.e. compare revenues from March 2021 with March 2019 (not 2020).*
- *Support for furloughed employees will continue to align with EI benefits so you can claim up to a maximum benefit of \$595/week.*

What's new?

CEBA

- *EDC announced that CEBA extension applicants that received a “not successful” to their application and are waiting to find out next steps to access the \$20K loan will wait even longer as EDC’s tech systems are still not ready.*
- *This group will have until May 7th to submit any required forms to try and get the CEBA extension loan.*
- *All other applicants for a CEBA loan have until March 31st to apply (April 9th to upload documents).*

Provincial programs

- *Restrictions continue to ease slowly in various jurisdictions across Canada but lockdowns remain in some jurisdictions in ON and NL*
- *MB and SK both announced extensions of their small business support programs.*

COVID-19 Vaccination and Testing

CFIB

March 4, 2021

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When Should An Employee Be Tested?

- Employees should be required to obtain a COVID-19 test if:
 - ❑ They exhibits symptoms of COVID-19
 - ❑ They have been advised they may have been in close contact with someone with a confirmed case of COVID-19
 - ❑ They have been directed to test by public health authority
 - ❑ They are required to test as a condition of working at a particular work location

Refusal To Test

- If an employee refuses to be tested, should be required to remain off work for 14 days and only permitted to return with medical clearance
- Failure to test can be disciplinary (absent extenuating circumstances)
 - Impacts operations
 - Limits employer ability to contact trace to minimize potential workplace transmission

Testing Costs

- No cost to a COVID-19 test if employee is symptomatic, close contact, *etc.*
- If employer requires employee to obtain a private test for other reasons (*e.g.*, before all employees return to the office) employer will likely need to bear any additional cost

Obtaining Test Results

- Employer is entitled to ask for test result and any direction(s) provided by public health authority
- For a negative result, a copy of the screen shot is generally sufficient
- For a positive result, employee will generally have received letter or screen shot confirming positive test
- Date when they are no longer required to isolate

Refusal to Provide Test Results

■ If an employee refuses:

- ❑ Explain the result is required to determine when employee will be able to return to work, additional steps, if any, the employer should be taking to contact trace
- ❑ Explain how information will be used and stored
- ❑ Failure to provide could be considered insubordination, result in discipline, up to termination of employment

Employee Tests Positive

- Should be required to self-isolate until they are no longer required to self-isolate by public health authority- **ask for documentation from public health to confirm date**
- In most cases, this will be **10 days** from date of symptom onset (or date of test if asymptomatic)
- In extenuating circumstances, will be **20 days** (generally applied to individuals hospitalized)

Contact Tracing

- List of close contacts in the workplace from the employee who tests positive
 - Public health authority will also conduct contact tracing
 - Should avoid providing COVID-19 positive employee name if possible
-
- “We understand you may have been in close contact with an individual who has a confirmed case of COVID-19”
-
- Individual will need to know the date of exposure for testing and isolation purposes

Positive Test- Additional Obligations

- Employer may also have an obligation to advise public health authority and/or Ministry of Labour, Training and Skills Development (or comparable provincial entity) of a positive case
 - In Ontario, required to advise the MLTSD in accordance with Section 52(2) of the OHSA of any ‘occupational illness’- will apply if employee claims to have contracted in workplace or files a WSIB claim
 - Also have obligation in certain regions (City of Toronto, Peel, Ottawa) to advise Public Health and MLTSD if two or more cases in the workplace in a 14-day period

Testing- Takeaways

- A clearly drafted COVID-19 Policy can outline the obligations and steps taken if an employee tests positive
- In Ontario, this should be associated in the mandatory COVID-19 Workplace Safety Plan
- For assistance developing a COVID-19 Policy or Safety Plan, speak to any member of the SK team

Mandatory Vaccination?

- Can employer implement a vaccination policy?
- Education, persuasion, influence
- Policy – expectations generally

Mandatory Vaccination?

- Availability
- Current understanding of the vaccine
- BFOR

Vaccination Status Requests

- An employer may want to collect information on vaccination status
- In provinces with provincial privacy legislation, or in unionized workplaces, consider why the collection of this information is “reasonable”

Vaccination Status Requests

- Consider an incentive to employees to become vaccinated
- Securely safeguarded in the same way as any other medical information
- Should not be disclosed to third parties without consent
- Vaccination status alone will not impact existing public safety requirements - still require masking, physical distancing, *etc.*

Vaccination Policy: Takeaways

- Encourage voluntary compliance (i.e. education and incentives)
- If a policy is implemented:
 - “Non-mandatory” policy that provides options
 - Ensure appropriate accommodation is provided
 - Use public health guidance ... Reasonableness
- When in doubt, consult with legal counsel to evaluate the risk of a vaccination policy in your workplace

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- *The information contained in this presentation is provided for general information purposes only and does not constitute legal or other professional advice, nor does accessing this information create a lawyer-client relationship. This presentation is current as of **March 2021** and applies only to Ontario, Canada, or such other laws of Canada as expressly indicated. Information about the law is checked for legal accuracy as at the date the presentation is prepared, but may become outdated as laws or policies change. For clarification or for legal or other professional assistance please contact Sherrard Kuzz LLP (or other counsel).*

CFIB's commitment

- Find the latest updates FAQs government relief measures & templates on our website cfib.ca/covid19
- Call the CFIB Business Helpline: 1-888-234-2232
- Weekly email updates, webinars and surveys
- Follow us on social



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APPENDIX

Significant Financial Support for Businesses

Province	Significant financial support	Details
British Columbia	PST Rebate on Select Machinery and Equipment	A temporary provincial sales tax (PST) program through which corporations can apply to receive an amount equal to the PST they paid between September 17, 2020 and September 30, 2021 on qualifying machinery and equipment. Applications start on April 1, 2021.
	Small and Medium-sized Business Recovery Grant	On December 21, adjustments were made to the program, including a streamlined application process and simplified criteria. The \$30,000 grant is for firms employing between 2 to 149 B.C. residents. Businesses must have had at least 30% drop in revenue since March 10, 2020. Tourism businesses eligible for an additional \$15,000. Business must have been operating in B.C. for at least 18 months as of the date of application for the grant. Applications open until March 31, 2021 or when the funds are fully allocated.
	Increased Employment Incentive	All private sector employers that create new jobs or increase the pay of their existing low- or medium-income employees over the last quarter (October to December) of 2020. Online applications open in March 2021.
	Launch Online Grant	The program is meant to help businesses sell their goods online. All businesses can apply, as long as they had a minimum of \$30,000 in sales revenue in 2020. The grant pays 75% of eligible expenses up to a maximum of \$7,500. It is on a first come first serve basis, and it expires on March 31, 2021. For details and to apply, visit the website .
Alberta	Small and Medium Enterprise Relaunch Grant	The program offers two payments to eligible applicants ordered to close or curtail operations, and that experienced a revenue reduction of at least 30%, as a result of the pandemic. If a business has never accessed the grant before, it is eligible for an initial \$5,000 payment and the expanded second \$15,000 payment for a maximum of up to \$20,000. Details here . Applications open until March 31.
	Enhanced COVID-19 Business Benefit	This program will replace the current SME Relaunch Grant, which will close on March 31. Business can receive an additional up to \$10,000 or max of 15% of revenues. They will have to demonstrate a revenue loss of 60% or more and will be required to report the total amount of provincial and federal support received, to ensure no more than 80% of revenue is covered. New program will open for application on April 1.

Significant Financial Support for Businesses cont'd

Province	Significant financial support	Details
Manitoba	Manitoba Bridge Grant Extension	Starting March 5, 2021, previous eligible recipients will receive an additional \$5,000. Recipients of the Bridge Grant for Home-Based Business will receive a supplemental payment of 10% of their 2019 revenues to a maximum of \$5,000. Payments will be issued without any action on the part of the applicant . This is an extension to the \$10,000 grant to eligible Manitoba businesses required to fully close their premises to the public as a result of Manitoba COVID-19 Prevention Orders.
Saskatchewan	Small Business Emergency Payment (SSBEP) and SSBEP2 - extension for February and March 2021	Financial assistance to eligible small businesses ordered to temporarily close or substantially curtail operations in December 2020, and/or January, February, March 2021 due to a public health order. The assistance includes up to \$5,000 per month that could be used for any purpose. Applications are accepted until March 2, 2021 for the 1 st stream. Applications for the 2 nd stream accepted from March 8 until April 30, 2021.
	Re-Open Saskatchewan Training Subsidy (RSTS)	Eligible employers can access up to \$10,000 to provide existing employees with training that addresses increased health and safety requirements or adoption of innovative practices that align with social distancing protocols. Apply by March 31, 2021. For details, click here .
	Strong Recovery Adaptation Rebate (SRAR)	The rebate is for businesses that employ fewer than 100 people who have adapted to COVID-19, such as changing the use of square footage, installing physical infrastructure, etc.. have or will incur expenses to adapt their business model between April 1, 2020, and February 28, 2021, plan to continue operating, and have seen at least a 30% revenue decline compared to 2019. Eligible applicants will receive a rebate of 50% up to a maximum of \$5,000 on a \$10,000 expenditure. Applications accepted till March 31, 2021.
	Renewal of the Tourism Sector Support Program (STSSP no. 2)	It provides financial assistance to eligible businesses in the event, attraction or tour business sectors and for tourism businesses in the accommodations and major event facilities sectors that experienced revenue loss due to the pandemic. Businesses in more than one of these sectors may only apply once. Applications are open from March 8 till April 30, 2021.

Significant Financial Support for Businesses cont'd

Province	Significant financial support	Details
Ontario	Digital Main Street Platform	One-time \$2,500 grant to help small businesses go digital or expand their e-commerce outreach. For more information, click here .
	Ontario Small Business Support Grant	It helps small businesses that are required to close or significantly restrict services under the Provincewide Shutdown effective December 26, 2020. Starting at \$10,000 for all eligible businesses, the grant provides businesses with funding to a maximum of \$20,000 to help cover decreased revenue expected as a result of the Provincewide Shutdown. For firms with fewer than 100 employees. For details and application, see website .
Quebec	Assistance to businesses in regions on maximum alert (AERAM)	Assistance to businesses in regions on maximum alert (AERAM), will allow businesses targeted by closure orders that will see revenue losses to obtain non-refundable assistance to pay their fixed costs. The non-refundable part is the maximum of 80% of the loan or up to \$15,000. For details and applications , visit quebec.ca
	Emergency assistance for SMEs	Up to \$50,000 in emergency financing in the form of a loan or loan guarantee for businesses who have temporarily closed. Contact your local MRC for more information . The applications end on April 30, 2021 or until the funds are exhausted.
	Concerted temporary action program for businesses	The program is run by Investissement Québec and it is for businesses whose liquidity is affected by the repercussions of COVID-19. Applications are reviewed on a case-by-case basis. It also includes specific conditions for the tourism industry such as more advantageous loan terms and loan guarantees. The funding granted covers the business's needs as of October 1, 2020. For details and conditions, click here .

Significant Financial Support for Businesses cont'd

Province	Significant financial support	Details
Newfoundland and Labrador	Previous program expired.	
Nova Scotia	Small Business Loan Guarantee Program	Loans may be granted for a term of up to of 10 years. The maximum guarantee supplied by the Province of Nova Scotia will be 90% of the value of all term loans. The guarantee will remain at 75% on lines of credit but a 90% guarantee may be available to those that qualify under special financing streams. For details .
	Small Business Recovery Grant	A non-repayable grant of up to \$5,000 for businesses open on or before February 1, 2020 and which employ between 2 to 99 full-time people. Eligible businesses can receive a grant equal to 15% of sales revenues for a comparable period in the previous year. Eligible businesses situated in Orange or Red alert zones include food and beverage services without drive-through capability, personal services; gym and fitness facilities; casinos, amusement centres, bingo halls, arcades, cinemas and large live performance venues. Applications open and it is on a first come, first serve basis.
New Brunswick	Working capital for NB small business owners	Loans up to \$100,000 are accessible to small businesses employing one to 49 employees, including sole proprietors/self-employed, with sales of less than \$10 million in the most recent fiscal year. The loans are funded by Government of NB and administered by the CBDC .
PEI	Emergency Working Capital Financing	Eligible applicants can apply to receive a working capital loan of up to \$100,000 with a fixed interest rate of 4% per year to be used to assist with fixed operating costs (including payroll, rent, utilities etc.) with principal & interest payments deferred for a minimum of 12 months.
	Additional funding for other provincial programs	The temporary programs, in effect November 1, 2020 to March 31, 2021, focus on business investment in the areas of planning, capital investments, marketing and promotion activities. For more details, click here .

Other financing options

Loan guarantee programs through your bank

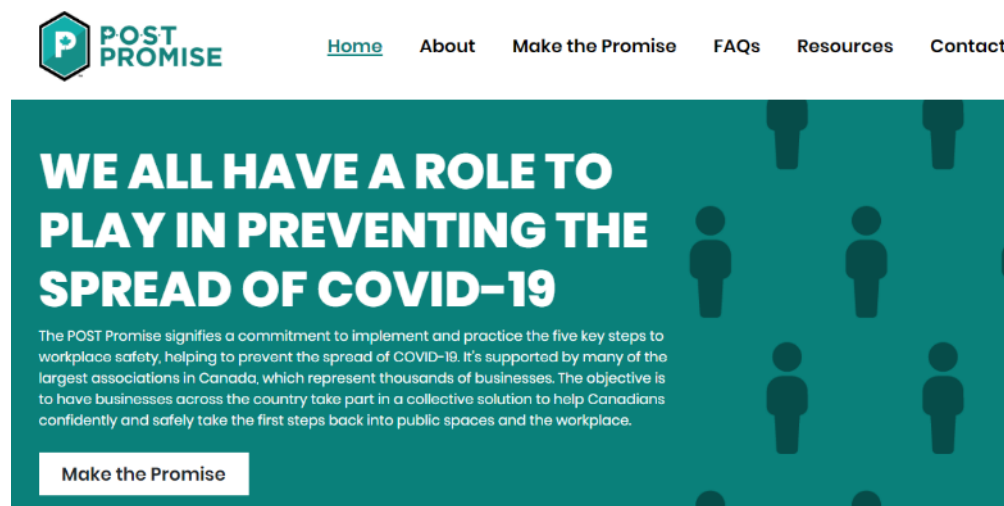
- BDC Co-Lending Program – 80% guaranteed by BDC
 - *Loans up to \$312,500 for businesses with less than \$1 million in revenues – more \$\$ available for firms with more than \$1 million in revenues*
- EDC BCAP Guarantee – 80% guaranteed by EDC
 - *Loans up to \$6.25 million and must pay it back within 5 years*
- Highly Affected Sectors Credit Availability program – loans 100% guaranteed by government for hardest hit sectors
 - *Administered by BDC through your bank*
 - *Loans up to \$1 million with favourable interest rates and up to 10 year loan terms*

What are the six Regional Development Agencies (RDAs)?

Atlantic Canada Opportunity Agency (ACOA)	Canada Economic Development for Quebec Regions (CED)	Canadian Northern Economic Development Agency (CanNor)	FedNor (Northern Ontario)	FedDev (Southern Ontario)	Western Economic Diversification Canada (WD)
NS/NB/PE/NL	QC	YT/NT/NU	Northern ON	Southern ON	AB/BC/MB/SK
Contact ACOA	Contact CED	Contact CanNor	Contact FedNor	Contact FedDev	Contact WD
1. Atlantic Regional Relief and Recovery Fund (RRRF)	1. Quebec Regional Relief and Recovery Fund (RRRF)	1. Northern Business Relief Fund (NBRF)	1. FedNor - Regional Relief and Recovery Fund	1. FedDev Regional Relief and Recovery Fund (RRRF)	1. Western Regional Relief and Recovery Fund (RRRF)
2. Community Futures Program <ul style="list-style-type: none"> • Small Business Emergency Working Capital Program • General Business Loan • Future Entrepreneur Loan • Micro Loan 	2. Community Futures Program	2. Community Futures Network TBD	2. Community Futures Program <ul style="list-style-type: none"> • Up to \$40k loan for rural "main street" businesses 	2. Community Futures Program <ul style="list-style-type: none"> • Up to \$40k loan for Rural "main street" businesses 	2. Community Futures <ul style="list-style-type: none"> • New Funding available to Rural Businesses in Western Canada
3. Application for financial assistance – delayed applications to help implement RRRF	3. Quebec Economic Development program 4. Regional Economic Growth through innovation (REGI) <ul style="list-style-type: none"> • Quebec Regional Relief and Recovery Fund (RRRF) • Business Scale-up and productivity • Regional innovation ecosystems • Initiative for infrastructure development 	3. Targeted relief and stabilization measures for key sectors	3. Regional Economic Growth through Innovation (REGI) <ul style="list-style-type: none"> • Business Scale up and productivity • Regional innovation ecosystems • Targeted Manufacturing Initiative for Northern Ontario 	3. Regional Economic Growth through Innovation (REGI) <ul style="list-style-type: none"> • Business Scale-up and Productivity funding • Regional Innovation Ecosystem • Community Economic Development and Diversification 	

Take the POST Promise

- Simple and easy way to show that your business is taking steps to help prevent the spread of COVID-19
- Voluntary declaration from your business to your customers and employees.



The [POST Promise](#) is a commitment to implement and practice five key steps to workplace safety.

P.O.S.T - People Outside Safely Together

“PPEs for SMEs” Facebook page

- To stay open or reopen, businesses need equipment and supplies to keep employees and customers safe
- Facebook group administered by CFIB
- Helps connect Canadian business owners looking to buy and sell PPE (personal protective equipment) and supplies
- CFIB will also update links to government and other resources (see appendix)



Email: ppe@cfib.ca Website: <https://www.facebook.com/groups/PPEsforSMEs/about/>



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